

Memorandum 2018-26

**California Public Records Act Clean-Up:
Part 5. Specific Types of Public Records
(Chapter 1. Crimes, Weapons, and Law Enforcement)**

As directed by the Legislature, the Commission¹ is preparing a nonsubstantive recodification of the California Public Records Act (“CPRA”).² For purposes of a tentative recommendation, the Commission has decided to recodify the CPRA in a new division (Division 10) in Title 1 of the Government Code. That division would be split into six parts (Parts 1-6), as detailed in the Commission’s tentative outline.³ This memorandum presents a staff draft of Chapter 1 of Part 5, which would be entitled “Crimes, Weapons, and Law Enforcement.”

Commissioners and other interested persons should review the attached draft and determine whether any revisions are needed. Comments on any aspect of the draft would be helpful.

Among the provisions to be recodified in Chapter 1 of Part 5 is Government Code Section 6254(f), which is sometimes known as the CPRA’s law enforcement exemption. Some questions relating to recodification of that provision are discussed below.

Unless otherwise indicated, all statutory references in this memorandum are to the Government Code.

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov’t Code §§ 6250-6276.48.

3. The current version of the tentative outline is attached to Memorandum 2018-23, which was previously distributed for convenient reference in connection with the upcoming meeting.

RECODIFICATION OF SECTION 6254(f)

The discussion below begins by describing Section 6254(f). We then explain the staff's proposed treatment of this provision in the attached draft. Lastly, we pose some questions for the Commission to answer.

Description of the Existing Provision

Section 6254(f) is an important, widely-used provision of the CPRA. It is also long, complicated, and difficult to comprehend. It currently provides:

6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

....

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in

an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(2)(A) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this subdivision may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(B) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim's request until the investigation or any subsequent prosecution is complete. For purposes of this subdivision, "immediate family" shall have the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation

purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

Section 6254(f) clearly could benefit from some statutory clean-up, to make it more readily understandable. The provision is not user-friendly in its current form.

The Staff's Drafting Approach

In doing such statutory clean-up, it seems advisable to keep the substance of Section 6254(f) in close proximity, rather than intermingling it with other substantive material. Otherwise, it would be difficult to update the many statutory cross-references to Section 6254(f).

The attached draft would thus place the entire substance of Section 6254(f) in a separate article in Chapter 1 of Part 5.⁴ As shown at pages 2-5 of the draft, that article would be divided into five sections (proposed Sections 7923.600, 7923.605, 7923.610, 7923.615, and 7923.620). Under this approach, updating the cross-references to Section 6254(f) would be easy, because each one could simply be replaced with a cross-reference to the new article.

In drafting the new article, however, the staff felt constrained to take a particularly conservative approach to recodifying Section 6254(f). The five sections in that article would very closely track the existing content, wording, and organization of Section 6254(f). We were reluctant to make even little revisions to improve clarity, because the existing text is hard to follow in places. Taking a particularly conservative approach seemed the only way to avoid generating concerns about the possibility of a substantive change and potentially jeopardizing enactment of whole CPRA recodification.

4. See "Article 1. Law Enforcement Records Generally" in the attached draft.

That approach is less than ideal; it would not go as far as we would like to make the substance of Section 6254(f) user-friendly. It would be an improvement over existing law, because the substance of Section 6254(f) would be near other CPRA provisions dealing with similar subject matter, such as Section 6254.30 (proposed Section 7923.655) and Section 6262 (proposed Section 7923.650). The substance of Section 6254(f) would also be split into manageable pieces, making it more readable.

But Section 6254(f) includes potentially confusing and unclear language, which the attached draft would preserve untouched. To give just a few examples:

- The first sentence of Section 6254(f) refers to: “Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and *any state or local police agency*, or any investigatory or security files compiled by *any other state or local police agency*, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”⁵ What are “investigatory or security files compiled by any *other state or local police agency*”?⁶ How do they differ from “[r]ecords of ... investigations conducted by ... or security procedures of ... *any state or local police agency* ...”?⁷
- The second sentence of Section 6254(f) says: “However, state and local law enforcement agencies shall disclose the ... statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.” Does this sentence require disclosure of witness statements only to specified people (“the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951”)? Or does the sentence require

5. Emphasis added.

6. Emphasis added.

7. Emphasis added.

public disclosure of statements that witnesses made *to* specified people (“statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, ...”)?

- Section 6254(f)(2)(A) twice states that a specified action may be taken at the victim’s request or at the request of “the victim’s parent or guardian if the victim is a minor.” In contrast, Section 6254(f)(3) states that a specified action may be taken at the victim’s request, but it says nothing about a request of “the victim’s parent or guardian if the victim is a minor.” What does this mean if the victim is a minor?

- Section 6254(f)(3) says:

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

....

(3) *Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency ...*⁸

How can the phrase “Notwithstanding any other provision of this subdivision” and the phrase “Subject to the restrictions of ... this subdivision” be reconciled?

Cleaning up ambiguities like these seems too risky to attempt in the context of this strictly nonsubstantive study. In some instances, the proper interpretation might be relatively clear to the Commission, particularly after doing some research. But even if the Commission were convinced that its interpretation was correct, others might disagree and that could derail the proposed recodification, regardless of the merits of the Commission’s interpretation.

Questions for the Commission

Given the considerations discussed above, the staff has two main questions for the Commission:

(1) **Is the staff’s suggested recodification of Section 6254(f) acceptable for purposes of a tentative recommendation?** Should the recodification attempt to do more to make the substance of Section 6254(f) user-friendly? Should the

8. Emphasis added.

recodification be even more conservative and track existing law almost verbatim, along the following lines:

§ 7923.600. Law enforcement exemption

7923.600. Except as provided in Sections [6254.7] and [6254.13], this division does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this section does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this section.

Notwithstanding any other provision of this section, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(a) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is

being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(b)(1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this section may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this subdivision.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the names and images of a victim of human trafficking, as defined in Section 236.1 of the Penal Code, and of that victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, may be withheld at the victim's request until the investigation or any subsequent prosecution is complete. For purposes of this section, "immediate family" shall have the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

(c) Subject to the restrictions of Section 841.5 of the Penal Code and this section, the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this subdivision shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall

execute a declaration to that effect under penalty of perjury. This subdivision shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this subdivision.

Comment. Section 7923.600 continues former Section 6254(f) without substantive change.

See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.535 (“state agency”).

(2) If the Commission sticks with a conservative approach to Section 6254(f) in this strictly nonsubstantive study (as the staff recommends), **should its tentative recommendation suggest the possibility of conducting a follow-up study focusing solely on the substance of Section 6254(f)?** The goal of such a follow-up study would be to make that statutory material more user-friendly, while adhering very closely (but perhaps not always precisely) to the policies underlying Section 6254(f).

Comments on these matters would be helpful.

Respectfully submitted,

Steve Cohen
Staff Counsel

Contents

DIVISION 10. ACCESS TO PUBLIC RECORDS	1
PART 5. SPECIFIC TYPES OF PUBLIC RECORDS	1
CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT	1
Article 1. Law Enforcement Records Generally	1
§ 7923.600. Law enforcement exemption	1
§ 7923.605. Disclosure of incident information	2
§ 7923.610. Disclosure of arrest information	2
§ 7923.615. Disclosure of information relating to complaints or requests for assistance	3
§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified purposes	4
Article 2. Obtaining Access to Law Enforcement Records	5
§ 7923.650. District attorney’s request to inspect licensing records	5
§ 7923.655. Required documentation as prerequisite to receipt of information	5
Article 3. Records of Emergency Communications to Public Safety Authorities	6
§ 7923.700. Emergency information	6
Article 4. Records Specifically Relating to Crime Victims	6
§ 7923.750. Video and audio recordings	6
§ 7923.755. Records of the California Victim Compensation Board	7
Article 5. Firearm Licenses and Related Records	7
§ 7923.800. Personal information	7
§ 7923.805. Address and telephone number of person in criminal justice field	7
DISPOSITION OF FORMER LAW	9
DERIVATION OF NEW LAW	10

DRAFT LEGISLATION

Note. This is a work in progress. The material shown below may be changed. For the current tentative outline of new Division 10 of Title 1 of the Government Code, see CLRC Staff Memorandum 2018-23.

A draft of an official Commission “Comment” follows each proposed code section in the proposed recodification. Such Comments will be included in any final recommendation. The Comments indicate the source of each recodified code section (or provision within the code section) and describe how the recodified code section (or provision) compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation.

There is a “disposition table” at the end of the proposed recodification. It summarizes, in tabular form, the disposition of every provision of the existing code that has been included in this proposed recodification.

There is also a “derivation table” at the end of the proposed recodification. It summarizes, in tabular form, the statutory derivation of every new code provision in this proposed recodification.

Some provisions in this draft are followed by a “Staff Note.” These Staff Notes are intended to be temporary and will not be part of the Commission’s final recommendation. In general, the Staff Notes serve to flag issues requiring special attention or treatment.

Some provisions in this draft contain a bracketed reference to one or more existing code sections. As new Division 10 is drafted, these references will be conformed to the new numbering scheme.

In some places, it is necessary to refer to a section that has not yet been drafted. That is done by referring to “Section 79xx.xxx.” The Commission will fill in these references as it drafts the proposed recodification.

All of the proposed provisions would be located in the Government Code. All references are to the Government Code unless otherwise indicated.

The Commission welcomes public comment on any issue relating to the content of this draft or any other aspect of its ongoing CPRA Clean-Up study. Comments should be directed to Steve Cohen (scohen@clrc.ca.gov) or Barbara Gaal (bgaal@clrc.ca.gov).

1 **Gov’t Code §§ 7920.000-79xx.xxx (added). California Public Records Act**
2 **SEC. ____.** Division 10 (commencing with Section 7920.000) is added to the
3 Government Code, to read:

4 **DIVISION 10. ACCESS TO PUBLIC RECORDS**

5 ...

6 **PART 5. SPECIFIC TYPES OF PUBLIC RECORDS**

7 **CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT**

8 **Article 1. Law Enforcement Records Generally**

9 **§ 7923.600. Law enforcement exemption**

10 7923.600. (a) Except as provided in Sections [6254.7] and [6254.13], this
11 division does not require the disclosure of records of complaints to, or

1 investigations conducted by, or records of intelligence information or security
2 procedures of, the office of the Attorney General and the Department of Justice,
3 the Office of Emergency Services and any state or local police agency, or any
4 investigatory or security files compiled by any other state or local police agency,
5 or any investigatory or security files compiled by any other state or local agency
6 for correctional, law enforcement, or licensing purposes.

7 (b) A customer list that an alarm or security company provides to a state or local
8 police agency at the agency's request is a record subject to this article.

9 **Comment.** Subdivision (a) of Section 7923.600 continues the first sentence of former Section
10 6254(f) without substantive change. Subdivision (a) also continues the introductory clause of
11 former Section 6254 (as applied to former Section 6254(f)) without substantive change.

12 Subdivision (b) continues the second unnumbered paragraph of former Section 6254(f) without
13 substantive change.

14 See Sections 7920.505 ("local agency"), 7920.535 ("state agency").

15 § 7923.605. Disclosure of incident information

16 7923.605. (a) Notwithstanding Section 7923.600, a state or local law
17 enforcement agency shall disclose the names and addresses of persons involved in,
18 or witnesses other than confidential informants to, the incident, the description of
19 any property involved, the date, time, and location of the incident, all diagrams,
20 statements of the parties involved in the incident, the statements of all witnesses,
21 other than confidential informants, to the victims of an incident, or an authorized
22 representative thereof, an insurance carrier against which a claim has been or
23 might be made, and any person suffering bodily injury or property damage or loss,
24 as the result of the incident caused by arson, burglary, fire, explosion, larceny,
25 robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision
26 (b) of Section 13951, unless the disclosure would endanger either of the following:

27 (1) The safety of a witness or other person involved in the investigation.

28 (2) The successful completion of the investigation or a related investigation.

29 (b) However, this article does not require the disclosure of that portion of those
30 investigative files that reflects the analysis or conclusions of the investigating
31 officer.

32 **Comment.** Subdivision (a) of Section 7923.605 continues the second sentence of former
33 Section 6254(f) without substantive change.

34 Subdivision (b) continues the third sentence of former Section 6254(f) without substantive
35 change.

36 See Section 7920.515 ("person").

37 § 7923.610. Disclosure of arrest information

38 7923.610. Notwithstanding any other provision of this article, a state or local
39 law enforcement agency shall make public all of the following information, except
40 to the extent that disclosure of a particular item of information would endanger the
41 safety of a person involved in an investigation or would endanger the successful
42 completion of the investigation or a related investigation:

43 (a) The full name and occupation of every individual arrested by the agency.

1 (b) The individual’s physical description including date of birth, color of eyes
2 and hair, sex, height and weight.

3 (c) The time and date of arrest.

4 (d) The time and date of booking.

5 (e) The location of the arrest.

6 (f) The factual circumstances surrounding the arrest.

7 (g) The amount of bail set.

8 (h) The time and manner of release or the location where the individual is
9 currently being held.

10 (i) All charges the individual is being held upon, including any outstanding
11 warrants from other jurisdictions, parole holds, and probation holds.

12 **Comment.** Section 7923.610 continues former Section 6254(f)(1) without substantive
13 change. In combination with Sections 7923.615(a) and 7923.620(a), Section 7923.610 also
14 continues the third unnumbered paragraph of former Section 6254 without substantive change.

15 See Section 7920.515 (“person”).

16 **§ 7923.615. Disclosure of information relating to complaints or requests for**
17 **assistance**

18 7923.615. (a) Notwithstanding any other provision of this article, a state or local
19 law enforcement agency shall make public, subject to the restrictions imposed by
20 Section 841.5 of the Penal Code, the time, substance, and location of all
21 complaints or requests for assistance received by the agency, and the time and
22 nature of the response thereto, except to the extent that disclosure of a particular
23 item of information would endanger the safety of a person involved in an
24 investigation or the successful completion of the investigation or a related
25 investigation. To the extent the information regarding crimes alleged or committed
26 or any other incident investigated is recorded, this includes all of the following:

27 (1) The time, date, and location of occurrence.

28 (2) The time and date of the report.

29 (3) The name and age of the victim.

30 (4) The factual circumstances surrounding the crime or incident.

31 (5) A general description of any injuries, property, or weapons involved.

32 (b)(1) The name of a victim of any crime defined by Section 220, 261, 261.5,
33 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
34 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6,
35 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim’s
36 request, or at the request of the victim’s parent or guardian if the victim is a minor.

37 (2) When a person is the victim of more than one crime, information disclosing
38 that the person is a victim of a crime defined in any of the sections of the Penal
39 Code set forth in this article may be deleted at the request of the victim, or the
40 victim’s parent or guardian if the victim is a minor, in making the report of the
41 crime, or of any crime or incident accompanying the crime, available to the public
42 in compliance with the requirements of this section.

1 (c)(1) Subject to the restrictions imposed by Section 841.5 of the Penal Code,
2 the names and images of a victim of human trafficking, as defined in Section
3 236.1 of the Penal Code, and of that victim’s immediate family, other than a
4 family member who is charged with a criminal offense arising from the same
5 incident, may be withheld at the victim’s request until the investigation or any
6 subsequent prosecution is complete.

7 (2) For purposes of this article, “immediate family” shall have the same meaning
8 as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal
9 Code.

10 **Comment.** Subdivision (a) of Section 7923.615 continues the first sentence of former Section
11 6254(f)(2)(A) without substantive change. In combination with Sections 7923.610 and
12 7923.620(a), subdivision (a) also continues the third unnumbered paragraph of former Section
13 6254(f) without substantive change.

14 Subdivision (b) continues the second and third sentences of former Section 6254(f)(2)(A)
15 without substantive change.

16 Subdivision (c) continues former Section 6254(f)(2)(B) without substantive change.

17 See Section 7920.515 (“person”).

18 **§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified**
19 **purposes**

20 7923.620. (a) Notwithstanding any other provision of this article, if the requester
21 declares under penalty of perjury that the request is made for a scholarly,
22 journalistic, political, or governmental purpose, or that the request is made for
23 investigation purposes by a licensed private investigator as described in Chapter
24 11.3 (commencing with Section 7512) of Division 3 of the Business and
25 Professions Code, a state or local law enforcement agency shall make public the
26 following information, except to the extent that disclosure of a particular item of
27 information would endanger the safety of a person involved in an investigation or
28 would endanger the successful completion of the investigation or a related
29 investigation:

30 (1) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
31 the current address of every individual arrested by the agency.

32 (2) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
33 the current address of the victim of a crime. However, the address of the victim of
34 any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266,
35 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288,
36 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
37 of the Penal Code shall remain confidential.

38 (b) Address information obtained pursuant to this section shall not be used
39 directly or indirectly, or furnished to another, to sell a product or service to any
40 individual or group of individuals, and the requester shall execute a declaration to
41 that effect under penalty of perjury.

1 (c) This section shall not be construed to prohibit or limit a scholarly,
2 journalistic, political, or government use of address information obtained pursuant
3 to this section.

4 **Comment.** Subdivision (a) of Section 7923.620 continues the first and second sentences of
5 former Section 6254(f)(3) without substantive change. In combination with Sections 7923.610
6 and Section 7923.615(a), subdivision (a) also continues the third unnumbered paragraph of
7 former Section 6254(f) without substantive change.

8 Subdivision (b) continues the third sentence of former Section 6254(f)(3) without substantive
9 change.

10 Subdivision (c) continues the fourth sentence of former Section 6254(f)(3) without substantive
11 change.

12 See Section 7920.515 (“person”).

13 Article 2. Obtaining Access to Law Enforcement Records

14 § 7923.650. District attorney’s request to inspect licensing records

15 7923.650. The exemption of records of complaints to, or investigations
16 conducted by, any state or local agency for licensing purposes under Article 1
17 (commencing with Section 7923.600) shall not apply when a district attorney
18 requests inspection of those records.

19 **Comment.** Section 7923.650 continues former Section 6262 without substantive change.

20 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

21 § 7923.655. Required documentation as prerequisite to receipt of information

22 7923.655. (a) A state or local law enforcement agency shall not require a victim
23 of an incident, or an authorized representative of a victim, to show proof of the
24 victim’s legal presence in the United States in order to obtain the information
25 required to be disclosed by that law enforcement agency pursuant to Article 1
26 (commencing with Section 7923.600).

27 (b) If, for identification purposes, a state or local law enforcement agency
28 requires a victim of an incident, or an authorized representative of a victim, to
29 provide identification in order to obtain information required to be disclosed by
30 that law enforcement agency pursuant to Article 1 (commencing with Section
31 7923.600), the agency shall at a minimum accept any of the following:

32 (1) A current driver’s license or identification card issued by any state in the
33 United States.

34 (2) A current passport issued by the United States or a foreign government with
35 which the United States has a diplomatic relationship.

36 (3) A current Matricula Consular card.

37 **Comment.** Subdivision (a) of Section 7923.655 continues the first sentence of former Section
38 6254.30 without substantive change.

39 Subdivision (b) continues the second sentence of former Section 6254.30 without substantive
40 change.

1 Article 3. Records of Emergency Communications to Public Safety Authorities

2 § 7923.700. Emergency information

3 7923.700. Except as provided in Sections [6254.7] and [6254.13], this division
4 does not require the disclosure of a record obtained pursuant to paragraph (2) of
5 subdivision (f) of Section 2891.1 of the Public Utilities Code.

6 **Comment.** Section 7923.700 continues former Section 6254(z) without substantive change.
7 Section 7923.700 also continues the introductory clause of former Section 6254 (as applied to
8 former Section 6254(z)) without substantive change.

9 Article 4. Records Specifically Relating to Crime Victims

10 § 7923.750. Video and audio recordings

11 7923.750. (a) This division does not require disclosure of a video or audio
12 recording that was created during the commission or investigation of the crime of
13 rape, incest, sexual assault, domestic violence, or child abuse that depicts the face,
14 intimate body part, or voice of a victim of the incident depicted in the recording.
15 An agency shall justify withholding such a video or audio recording by
16 demonstrating, pursuant to Section 7922.000 and subdivision (a) of Section
17 7922.540, that on the facts of the particular case, the public interest served by not
18 disclosing the recording clearly outweighs the public interest served by disclosure
19 of the recording.

20 (b) When balancing the public interests as required by this section, an agency
21 shall consider both of the following:

22 (1) The constitutional right to privacy of the person or persons depicted in the
23 recording.

24 (2) Whether the potential harm to the victim caused by disclosing the recording
25 may be mitigated by redacting the recording to obscure images showing intimate
26 body parts and personally identifying characteristics of the victim or by distorting
27 portions of the recording containing the victim's voice, provided that the redaction
28 does not prevent a viewer from being able to fully and accurately perceive the
29 events captured on the recording. The recording shall not otherwise be edited or
30 altered.

31 (c) A victim of a crime described in subdivision (a) who is a subject of a
32 recording, the parent or legal guardian of a minor subject, a deceased subject's
33 next of kin, or a subject's legally authorized designee, shall be permitted to inspect
34 the recording and to obtain a copy of the recording. Disclosure under this
35 subdivision does not require that the record be made available to the public
36 pursuant to Section 7921.505.

37 (d) Nothing in this section shall be construed to affect any other exemption
38 provided by this division.

39 **Comment.** Section 7923.750 continues former Section 6254.4.5 without substantive change.
40 See Section 7920.515 ("person").

1 **§ 7923.755. Records of the California Victim Compensation Board**

2 7923.755. (a) This division does not require disclosure of a record of the
3 California Victim Compensation Board that relates to a request for assistance
4 under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of
5 Division 3 of Title 2.

6 (b) This section shall not apply to a disclosure of the following information, if
7 no information is disclosed that connects the information to a specific victim,
8 derivative victim, or applicant under Article 1 (commencing with Section 13950)
9 of Chapter 5 of Part 4 of Division 3 of Title 2:

10 (1) The amount of money paid to a specific provider of services.

11 (2) Summary data concerning the types of crimes for which assistance is
12 provided.

13 **Comment.** Section 7923.755 continues former Section 6254.17 without substantive change.

14 Article 5. Firearm Licenses and Related Records

15 **§ 7923.800. Personal information**

16 7923.800. Except as provided in Sections [6254.7] and [6254.13], this division
17 does not require the disclosure of any of the following information contained in an
18 application for a license to carry a firearm, issued by the sheriff of a county or the
19 chief or other head of a municipal police department pursuant to Section 26150,
20 26155, 26170, or 26215 of the Penal Code:

21 (a) Information that indicates when or where the applicant is vulnerable to
22 attack.

23 (b) Information that concerns the applicant's medical or psychological history,
24 or that of members of the applicant's family.

25 **Comment.** Section 7923.800 continues former Section 6254(u)(1) without substantive
26 change. Section 7923.800 also continues the introductory clause of former Section 6254 (as
27 applied to former Section 6254(u)(1)) without substantive change.

28 **§ 7923.805. Address and telephone number of person in criminal justice field**

29 7923.805. Except as provided in Sections [6254.7] and [6254.13], this division
30 does not require the disclosure of the home address or telephone number of any of
31 the following individuals, as set forth in an application for a license to carry a
32 firearm, or in a license to carry a firearm, issued by the sheriff of a county or the
33 chief or other head of a municipal police department, pursuant to Section 26150,
34 26155, 26170, or 26215 of the Penal Code:

35 (a) A prosecutor.

36 (b) A public defender.

37 (c) A peace officer.

38 (d) A judge.

39 (e) A court commissioner.

40 (f) A magistrate.

1 **Comment.** Section 7923.805 continues former Section 6254(u)(2)-(3) without substantive
2 change. Section 7923.805 also continues the introductory clause of former Section 6254 (as
3 applied to former Section 6254(u)(2)-(3)) without substantive change.

DISPOSITION OF FORMER LAW

Note. This table shows the proposed disposition of the following provisions of the California Public Records Act (Gov't Code §§ 6250-6276.48), as that law existed on January 1, 2018. Unless otherwise indicated, all statutory references are to the Government Code.

Existing Provision Proposed Provision(s)	Existing Provision Proposed Provision(s)
6254, 1st cl.....7923.600(a), 7923.700, 7923.800, 7923.805	6254(f)(3) 3rd sent 7923.620(b)
6254(f) 1st sent7923.600(a)	6254(f)(3) 4th sent 7923.620(c)
6259(f) 2nd sent.....7923.605(a)	6254(u)(1)7923.800
6254(f) 3rd sent 7923.605(b)	6254(u)(2)-(3)7923.805
6254(f) 2nd para 7923.600(b)	6254(z)7923.700
6254(f) 3rd para 7923.610, 7923.615(a), 7923.610(a)	6254.4.57923.750
6254(f)(1) 7923.610	6254.177923.755
6254(f)(2)(A) 1st sent7923.615(a)	6254.30 1st sent 7923.655(a)
6254(f)(2)(A) 2nd, 3rd sent 7923.615(b)	6254.30 2nd sent 7923.655(b)
6254(f)(2)(B)7923.615(c)	6254(f)(3) 1st, 2nd sent7923.620(a)
6254(f)(3) 1st, 2nd sent7923.620(a)	6254(f)(3) 1st, 2nd sent7923.620(a)
	62627923.650

DERIVATION OF NEW LAW

Note. This table shows the derivation of each proposed provision in this draft. Unless otherwise indicated, all statutory references are to the Government Code.

Proposed Provision Existing Provision(s)	Proposed Provision Existing Provision(s)
7923.600(a).....6254 1st cl, 6254(f) 1st sent	7923.620(b) 6254(f)(3) 3rd sent
7923.600(b) 6254(f) 2nd para	7923.620(c)6254(f)(3) 4th sent
7923.605(a).....6254(f) 2nd sent	7923.6506262
7923.605(b) 6254(f) 3rd sent	7923.655(a)6254.30 1st sent
7923.610 6254(f) 3rd para, 6254(f)(1)	7923.655(b) 6254.30 2nd sent
7923.615(a).....6254(f) 3rd para, 6254(f)(2(A) 1st sent	7923.7006254 1st cl, 6254(z)
7923.615(b) 6254(f)(2(A) 2nd, 3rd sent	7923.7506254.4.5
7923.615(c)..... 6254(f)(2(B)	7923.7556254.17
7923.620(a).....6254(f) 3rd para, 6254(f)(3) 1st, 2nd sent	7923.8006254 1st cl, 6254(u)(1)
	7923.8056254 1st cl, 6254(u)(2)-(3)